

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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BISHOP ABRAHAM  
S. ISRAEL and JESUS  
CHRIST MINISTRIES,

Plaintiffs,

-v-

5:21-CV-915

CITY OF SYRACUSE, SGT.  
CARLEO, Syracuse Police Officer,  
SISLEY, Syracuse Police Officer,  
WOLFE, Syracuse Police Officer,  
KIMPEL, Syracuse Police Officer,  
MARCUS DEBOTTIS, JR., Syracuse  
Police Officer, LAGO, Syracuse  
Police Officer, and RANETTE  
RELEFORD, CRB Administrator,

Defendants.

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APPEARANCES:

OF COUNSEL:

ABRAHAM S. ISRAEL  
Plaintiff, Pro Se  
1409 South McBride Street  
Syracuse, NY 13202

DAVID N. HURD  
United States District Judge

**ORDER ON REPORT & RECOMMENDATION**

On August 13, 2021, *pro se* plaintiff Abraham S. Israel (“plaintiff”) filed this action alleging that a laundry list of defendants violated his civil rights

while he was preaching the gospel at a mall in Syracuse, New York. Dkt. No. 1. Plaintiff also sought leave to proceed *in forma pauperis* (“IFP application”). Dkt. No. 2.

On September 16, 2021, U.S. Magistrate Judge Miroslav Lovric granted plaintiff’s IFP application and advised by Report & Recommendation (“R&R”) that several of plaintiff’s 42 U.S.C. § 1983 claims should survive initial review. Dkt. No. 4. This Court accepted and adopted Judge Lovric’s R&R on October 13, 2021.

Notably, however, while that first R&R was pending review, plaintiff filed an amended complaint and a motion to appoint counsel. Dkt. Nos. 5, 6. On December 9, 2021, Judge Lovric denied plaintiff’s motion for counsel without prejudice and advised in a second R&R that plaintiff’s amended complaint be accepted for filing in part and dismissed with prejudice in part. Dkt. No. 9.

Plaintiff has not filed objections to the second R&R, and the time period in which to do so has expired. Upon review for clear error, the R&R is accepted and will be adopted. *See* FED. R. CIV. P. 72(b).

Therefore, it is

ORDERED that

1. The Report & Recommendation is ACCEPTED;

2. Plaintiff “Bishop Abraham S. Israel’s” amended complaint is

ACCEPTED FOR FILING as to his claims:

(1) that his right to free speech / religion was violated pursuant to the First Amendment and 42 U.S.C. § 1983, against defendants Sisley and Wolfe regarding the incident at Destiny USA on July 17, 2020;

(2) of false arrest pursuant to the Fourth Amendment and 42 U.S.C. § 1983, against defendants Sisley and Wolfe regarding the incident at Destiny USA on July 17, 2020;

(3) of unreasonable search and seizure pursuant to the Fourth Amendment and 42 U.S.C. § 1983, against defendants Sisley and Wolfe regarding the incident at Destiny USA on July 17, 2020;

(4) of unreasonable search and seizure pursuant to the Fourth Amendment and 42 U.S.C. § 1983, against defendant Kimpel regarding the incident on December 13, 2020;

(5) of false arrest pursuant to the Fourth Amendment and 42 U.S.C. § 1983, against defendant DeBottis regarding the incident on April 23, 2021;

(6) of unreasonable search and seizure pursuant to the Fourth Amendment and 42 U.S.C. § 1983, against defendant DeBottis regarding the incident on April 23, 2021; and

(7) of negligence pursuant to New York common law against defendants Carleo and Releford;

3. The amended complaint is **DISMISSED WITH PREJUDICE** as to the:

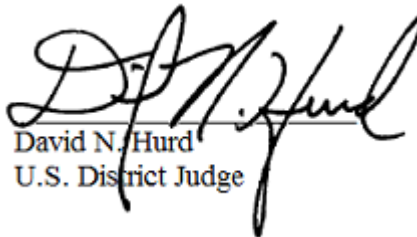
- (1) RICO claims against defendants;
- (2) dereliction of duty claims against defendants;
- (3) law enforcement misconduct claims against defendants;
- (4) equal protection claims against defendants;
- (5) failure-to-protect claim against defendant Kimpel;
- (6) defamation, slander, and libel claims;
- (7) claims against the City of Syracuse;
- (8) any official-capacity claims against the individual defendants.

4. Plaintiff “Jesus Christ Ministries” is DISMISSED as a plaintiff;

5. The Clerk of the Court is directed to amend the docket to reflect that defendants City of Syracuse and Lago have been dismissed and that defendants Sisley, Wolfe, Kimpel, DeBottis, Carleo, and Releford remain as defendants in this action.

IT IS SO ORDERED.

Dated: January 3, 2022  
Utica, New York.

  
David N. Hurd  
U.S. District Judge